

Exhibit A

ITEMIZATION AND DOCUMENTATION FOR REQUESTED COSTS
CASE NO. CV 06-7561 PA (CWx)
TRAFFICSCHOOL.COM V. EDRIVER

EXHIBIT A: CLERK'S FILING FEES

Amount

Filing Fee for Complaint

\$350.00

Lewis Brisbois Bisgaard & Smith LLP**Cost Advance Ticket
Check Request**

LA-02821

1. **Check—Date Needed:** Today, November 28, 2006
 2. **Type of Expense:**

<input type="checkbox"/>	Educational Expense		<input type="checkbox"/>	Expert Witness Fee	J
<input type="checkbox"/>	Business / Development		<input type="checkbox"/>	Jury Fees	JF
<input type="checkbox"/>	Professional Seminar		<input type="checkbox"/>	Deposition	H
<input checked="" type="checkbox"/>	Filing Fee	5	<input type="checkbox"/>	Court Reporter Fee	CR
<input type="checkbox"/>	Miscellaneous Fee	0	<input type="checkbox"/>	Mediation Fee	AM
<input type="checkbox"/>	Recording Fee	5	<input type="checkbox"/>	COD Transcription (Invoice Needed)	G
<input type="checkbox"/>	Witness Fee	7	<input type="checkbox"/>	Reproduction	R
<input type="checkbox"/>	Prof. Consulting / Service Fee	S	<input type="checkbox"/>	Other	

- ☐ Firm expense _____ (Acctg. Use—G.L. No.)
☐ Clients advance check

3. **Client and File Name:** TrafficSchool.com v. Edriver, Inc.
 4. **Client and Matter No.:** 25162-02
 5. **Amount:** \$350.00
 6. **Payee / Vendor:** Clerk, United States District Court
 7. **Mailing address:**

8. **Payee's Telephone No:**
 9. **Payee's Tax I.D. No:**
 10. **Explanation for billing purposes:** Filing Fee for Complaint

Attorney: Mina Hamilton **Ext:** 7926
Secretary: Vicki Towles **Ext:** 4005

Auth. by Mina Hamilton Date 11-28-06
 Signature

Return to: Vicki Towles
 Floor: 12th Floor

Remember to have Attorney Sign and Attach all Supporting Backup

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6 Attorneys for Plaintiffs
7 TRAFFICSCHOOL.COM, INC. and DRIVERS ED DIRECT, LLC,
California companies.

8
9
10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA

12 TRAFFICSCHOOL.COM, INC.,
13 a California corporation; DRIVERS ED
14 DIRECT, LLC, a California limited
liability company,

15 Plaintiffs,

16 vs.

17 EDRIVER, INC., a California
18 corporation; ONLINE GURU, INC., a
California corporation; DOES 1
through 10,

19 Defendants.

Case No.

COMPLAINT FOR:

1. **UNFAIR COMPETITION/FALSE
ADVERTISING IN VIOLATION
OF 15 U.S.C. §1125(a);**
2. **UNFAIR COMPETITION IN
VIOLATION OF CALIFORNIA
BUSINESS & PROFESSIONS
CODE §17200 ET SEQ.**

DEMAND FOR JURY TRIAL

21
22 Plaintiffs TRAFFICSCHOOL.COM, INC. and DRIVERS ED DIRECT, LLC
23 ("Plaintiffs"), California companies, complain against Defendants EDRIVER, INC.,
24 a California corporation, ONLINE GURU, INC., a California corporation, and
25 DOES 1 through 10 ("Defendants"), for damages and injunctive relief under the laws
26 of the United States of America and of the State of California, as follows.

27 ///

28 ///

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COMPLAINT FOR FEDERAL AND STATE UNFAIR COMPETITION; DEMAND FOR JURY TRIAL

1 **SUBJECT MATTER JURISDICTION AND VENUE**

2 1. This Court has original jurisdiction under 15 U.S.C. § 1121, and 28
3 U.S.C. §§ 1331, 1338. in that this case arises under the Trademark Laws of the
4 United States, 15 U.S.C. § 1052 et seq.

5 2. This Court has supplemental jurisdiction over the state law claims in
6 this action pursuant to 28 U.S.C. § 1367.

7 3. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b),(c).

8 **STATUS OF THE PARTIES**

9 4. Plaintiff TRAFFICSCHOOL.COM, INC. ("TS") is a California
10 corporation with its principal place of business located at 9121 Oakdale Avenue,
11 Suite 120, Chatsworth, California, 91311.

12 5. Plaintiff DRIVERS ED DIRECT, LLC ("DED") is a California limited
13 liability company with its principal place of business located at 9121 Oakdale
14 Avenue, Suite 120, Chatsworth, California, 91311.

15 6. Defendant EDRIVER, INC. ("EDRIVER") is a California corporation
16 having places of business located at 9663 Santa Monica Boulevard, # 591, Beverly
17 Hills, California, 90210 and 6165 Greenwich Dr., Suite 150, San Diego, California,
18 92122. EDRIVER is qualified to do business and is doing business in the State of
19 California, and within the Central District of California.

20 7. Defendant ONLINE GURU, INC. is a California corporation with its
21 principal place of business located at 6165 Greenwich Dr., Suite 150, San Diego,
22 California, 92122. ONLINE GURU, INC. is qualified to do business and is doing
23 business in the State of California, and within the Central District of California.

24 8. Plaintiffs are currently unaware of the true names and capacities of the
25 defendants named herein as DOES 1 through 10 inclusive and Plaintiffs therefore
26 sue said defendants by those fictitious names. Plaintiffs will request leave of court to
27 amend this complaint to state their true names and capacities when it ascertains
28 same. Plaintiffs allege, upon information and belief, that each such fictitiously

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COMPLAINT FOR FEDERAL AND STATE UNFAIR COMPETITION; DEMAND FOR JURY TRIAL

1 named defendant is in some manner responsible for the acts alleged herein and that
 2 such defendants proximately caused the injuries alleged herein.

3 GENERAL ALLEGATIONS

4 *(Plaintiff TrafficSchool.com, Inc.'s Business Model and Services)*

5 9. Plaintiff TrafficSchool.com, Inc. ("TS") is a pioneer and leader in the
 6 Internet-based traffic school arena. Since 1994, TS – officially sanctioned and
 7 licensed by the California Department of Motor Vehicles and California superior
 8 courts and court assistance programs– has provided consumers in the State of
 9 California and elsewhere looking for accredited and highly-acclaimed traffic safety
 10 courses with the ability to obtain dismissals of vehicle moving violations, tickets and
 11 citations. Previously, traffic school courses were conducted almost exclusively by in
 12 person classroom instruction. With the advent of the internet, TS was one of the first
 13 to create user-friendly traffic school programs that allow consumers to enjoy the
 14 speed and convenience of learning the tasks of safe driving online, whether
 15 completing a defensive driving course for a traffic ticket dismissal or for a work
 16 related purpose. Accordingly, TS relies heavily on the internet and a fair competitive
 17 market therein for its business model, and is specifically dependant on its success by
 18 consumers being readily able to search, locate, and access its online services and
 19 website which is currently located at <http://www.trafficschool.com>.

20 *(Plaintiff Drivers Ed Direct, LLC's Business Model and Services)*

21 10. Plaintiff DRIVERS ED DIRECT, LLC ("DED") is likewise heavily
 22 dependent on the internet for its business model. As TS did with the traffic school
 23 industry, DED is revolutionizing the drivers education industry by replacing
 24 traditional classroom instruction with interactive online technology in conjunction
 25 with personalized training. Accordingly, DED is also dependant on its success via
 26 the internet and a fair competitive market therein, and consumers being readily able
 27 to search, locate, and access its online services and website which is currently
 28 located at <http://www.driverseddirect.com>. DED is licensed and approved by the

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1 California Department of Motor Vehicles.

2 *(The Nature of the DMV Moniker)*

3 11. The "DMV" moniker is the state adopted unique identifier for the state
4 government's regulatory agency used in California as well as in 21 other states that
5 regulate motor vehicle licensing. Attached hereto as Exhibit "A" is a list of the 22
6 state government's motor vehicle agencies and their related internet websites. For
7 example, the State of California's Department of Motor Vehicles uses the identifier
8 DMV, and provides information and guidance to consumers on the internet at
9 <http://www.dmv.ca.gov>.

10 12. Accordingly, the State of California and other states use DMV as the
11 identifier for the government agency and consumers in California and 21 other states
12 widely know and recognize DMV as their state's *official* government motor vehicle
13 agency that provides DMV related transactions such as issuance of drivers licenses,
14 vehicles registrations, traffic school and drivers education compliance certificates,
15 and other services. Thus, it is without doubt that when anyone sees DMV in
16 association with traffic schools, drivers education courses, or vehicle licensing and
17 registration services, DMV immediately denotes the state regulatory agency for the
18 State of California (to a California resident) or any other state's DMV as the case
19 may be.

20 *(Defendants' Acts Which Have and Are Likely to Cause Confusion and Otherwise*
21 *Deceive the Public and Harm Plaintiffs)*

22 13. Defendant EDRIIVER, INC. ("EDRIIVER") is a for profit California
23 corporation that owns and operates a website whose internet addresses is presently
24 located at <http://www.dmv.org> ("the Site").

25 14. Defendant ONLINE GURU, INC. is a for profit California corporation
26 that acts as the internet marketing consulting firm for EDRIIVER and the Site.

27 15. Defendants have absolutely no license or permission to act on behalf of
28 any state DMV agency or to represent (impliedly or expressly) that it is endorsed by,

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COMPLAINT FOR FEDERAL AND STATE UNFAIR COMPETITION; DEMAND FOR JURY TRIAL

1 affiliated with, or licensed by the California DMV or any other state DMV.
 2 Defendants are generating revenue for themselves by driving internet traffic to the
 3 Site and by obtaining referral fees and other participatory benefits received from
 4 Plaintiffs' competitors (e.g., I DRIVE SAFELY and Golden State Private School, *see*
 5 *infra*). In other words, the Site acts as a referral source in California and other states
 6 for traffic schools and drivers education schools that are competitive with Plaintiffs.
 7 This accordingly eliminates or reduces the commercial benefit and opportunities of
 8 Plaintiffs to selling their traffic school and drivers education services for profit. By
 9 their activities, some of which are illustrated below, Defendants have not only seized
 10 upon the availability of the dmv.org domain name, but remarkably and audaciously
 11 are wrongfully aggressively promoting and advertising the Site as being sanctioned
 12 by or affiliated with the state DMV agencies. Defendants' activities have the effect
 13 of harming Plaintiffs' ability to compete fairly in the marketplace, and moreover
 14 cause confusion, and mislead and deceive the public and consumers who are
 15 searching online for traffic school or drivers education courses that are authorized by
 16 the DMV or California superior courts and court assistance programs.

17 16. In addition to the text on the Site itself (discussed below), Defendants'
 18 goods and services are advertised in interstate commerce through the well-known
 19 internet search engines via *paid* priority listing placements and *non-paid* (or
 20 "natural") optimized search engine placements. In other words, Defendants have
 21 paid for favorable priority positions for the Site on the most common public search
 22 engines, including Google, Yahoo, MSN, and Ask.com. In addition, Defendants'
 23 Site is among the top sites in a natural result listing with many search engines for
 24 thousands of search terms. In order to better illustrate these advertising strategies,
 25 the following are examples evidencing Defendants' ongoing attempts to confuse and
 26 mislead the public in the specific context of Google search results on the internet
 27 when consumers type in the words "dmv", "drivers ed", "traffic school", "California
 28 traffic school", and "California drivers ed" into the Google search mechanism.

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